

Attorney Docket No. JD002411
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Signature: /Mitchell S. Rosenfeld/
Mitchell S. Rosenfeld, Reg. No. 36,258

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: JONATHAN D. COOPER
APPLICATION NO.: 10/716,637
FILED: NOVEMBER 18, 2003
FOR: IMPROVED MONEY TRANSFER SYSTEM AND
METHOD WITH ADDED SECURITY FEATURES

EXAMINER: BAYAT, BRADLEY B.
(FORMERLY HAYES, JOHN W.)
ART UNIT: 3621

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**REPLY BRIEF**

Dear Sir:

In response to the Examiner's Answer mailed March 13, 2007, Appellant submits this Reply Brief. For the reasons stated below: Applicant respectfully requests that the Board reverse all of the outstanding rejections.

I. ARGUMENT

ISSUE A: Group 1 (claims 59, 61, 68-70, 72-73, and 75) are non-obvious in view of Downing and Picciallo.

The Examiner has failed to address certain fundamental arguments raised in Applicant's appeal brief. These arguments include the comparisons to examples from relevant case law such as *In re Ratti* and *Schenck v. Nortron Corp.*

Rather than addressing the specifics of the issues raised on appeal, the Examiner relies heavily on case law regarding analogous art in an attempt to support the unwarranted combination of Downing and Picciallo. However, this is not a dispute over whether the relied upon references are analogous art and indeed no challenge was raised on appeal. Rather, the issue is whether the Examiner can rely upon nothing more than the fact that ATM cards and

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machines are well known as a motivation to combine the references in the particular manner stated in the rejection.

As explained in detail in the appeal brief, simply because ATM cards and machines were well known teaches nothing as to why one of ordinary skill in the art would depart from the principle teaching of Downing, namely cardless cash withdrawal. The failure of the Examiner to identify a proper motivation is not surprising given the extent of the modifications to the primary reference, Downing, suggested by the Examiner. The suggested combination would require adding a standard ATM card to a primary reference which has a stated goal of eliminating the use of a standard ATM card.

Further, the Examiner asserts that the applicant argues against the references individually rather than the combination of references. The Examiner's argument is without merit. In addition to addressing Downing and Picciallo individually and together, the Applicant focuses on the deficiencies in Downing that the Examiner acknowledges are present and relies upon Picciallo to satisfy.

For the reasons stated above as well as the arguments raised in the appeal brief, Applicant asserts that the group 1 claims are nonobvious in view of Downing and Picciallo.

2. ISSUE B: Group 2 (claims 60, 71, and 74) are non-obvious in view of Downing, Picciallo, and Itoh.

In addressing the arguments raised in the appeal brief, the Examiner focuses solely on case law directed to the analogous art test. This misses the point and fails to address dispositive arguments raised by applicant. Again, there is no dispute over whether Itoh is analogous art. Rather this is a dispute over what Itoh does and does not teach as well as the lack of any motivation to combine Itoh in the manner suggested by the Examiner. The applicant refers the board to the appeal brief for a detailed explanation of the teachings lacking in Itoh and the lack of motivation to combine the Itoh with Downing and Picciallo as suggested by the Examiner.

For the reasons stated above well as the arguments raised in the appeal brief, Applicant asserts that the group 2 claims are nonobvious in view of Downing, Picciallo, and Itoh.

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3. ISSUE C: Group 3 (claims 62-66) are non-obvious in view of Downing, Picciallo, and Corder.

Applicant stands by the arguments raised in the appeal brief.

4. ISSUE D: Group 4 (claims 67) are non-obvious in view of Downing, Picciallo, Itoh, and Corder.

Applicant stands by the arguments raised in the appeal brief.

II. CONCLUSION

For the reasons stated above as well as the arguments raised in the Appeal Brief, Applicant respectfully requests that the Board reverse all of the outstanding rejections.

Respectfully submitted,

DATE: May 14, 2007

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